761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: November 25, 2008

OFFICE CORRESPONDENCE FILE NO. FO2221873

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY DEPUTY [redacted] #[redacted]
DEPUTY ERIC MCDONAGH #[redacted]
LENNOX STATION

On June 15, 2008 at approximately 2340 hours, Deputies [redacted] and McDonagh used force to arrest Suspect Scott. Suspect Scott sustained a fractured right ankle.

Deputies [redacted] and McDonagh saw a blue Nissan Maxima double parked near 101st Street and Denker Avenue. The Nissan Maxima drove east on 101st Street without its headlights on. The deputies conducted a traffic stop. Deputy McDonagh approached the driver, Witness [redacted] Deputy [redacted] approached the front passenger, Suspect Marylin Scott. Deputy [redacted] saw the suspect stuffing her right hand between her thighs. Believing the suspect was concealing a weapon or narcotics, Deputy [redacted] opened the door and ordered the suspect to remove her hand and exit the car. The suspect placed two plastic bindles in her hand and moved it near her mouth. Deputy [redacted], believing the suspect was consuming the bindles, grabbed her right arm. The suspect swung her left arm at Deputy [redacted] who sprayed her with OC spray.

Deputy [redacted] pulled the suspect from the Nissan Maxima to handcuff her but she continued to resist. Deputy [redacted] sprayed the suspect again, who then stopped resisting. The suspect stumbled, but Deputy [redacted] prevented her from falling. The suspect was then handcuffed.

The suspect's eyes were flushed from the OC Spray at Centinela Hospital. X-rays indicated the suspect's right ankle was fractured.

On November 20, 2008, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Eric McDonagh #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW:yw

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Los Angele County Sheriff's epartment

Supervisor's Report on Use of Force

Incident Information

URN: 4 0 8 - 0 6 3 7 0 - 0 3 7 2 - 1 8 1	Date: 6/15/08	Time: 2340 hrs.	
Location: [redacted]101st St. Los Angeles	City or Station: Lennox		
Bureau/Station/Facility: Field Operations Region III Lennox Station	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Significant			
Deputy Injury : YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Don Slawson	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle Name -
Sex: ☒ Male ☐ Female	Race: Hispanic	Unit of Assignment: Lennox	Work Assignment (Unit #, Module, etc.): [redacted]
Shift: [redacted] EM ☐ Day ☐ PM	[redacted] Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 510 / Weight: 180
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name
Sex: ☐ Male ☐ Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty	Age:	Height: / Weight:
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name
Sex: ☐ Male ☐ Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty	Age:	Height: / Weight:
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Martinez	Tommy	D.	SGT.	YES ☐ NO ☒	YES ☐ NO ☒
[redacted]	Marella	Steve	-	SGT.	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Kepley	John	-

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Burgin	Terry	-

Don M. Slawson (signature) | (signature) | [redacted] | 9/4/08

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Carlos E. Flores | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 12/07)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
408 - 06370 - 0372 - 181

Suspect Information

S 1

Last Name: Scott	First Name: Marylin	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☒ Female | Race: Blk | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 45 | Height: 511 | D.O.B. 11-05-62 | Weight: 240 | Armed? ☐

Booking #: 1511785 | Primary Charge Code: 11350(a)H.S. | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: L.A.County Fire | Unit: 14 | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: Centinella Hospital | Coroner Case #: | Mental History ☐

By Doctor: Latoya Maynard | Address: 555 East Hardy St. Inglewood | Phone #: 310-673-4660

Under Influence: ☒ YES ☐ NO | Substance: alcohol | Mental Illness ☐

Suspect Interview

Date: 06-16-08 | Time: 0915 | Audiotape: ☒ | Videotape: ☐ | Photos of Injuries: ☒

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness: ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

☐ Additional Suspects Involved

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
4 0 8 - 0 6 3 7 0 - 0 3 7 2 - 1 8 1

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Mcdonagh	Eric	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.	Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	63		[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	39	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

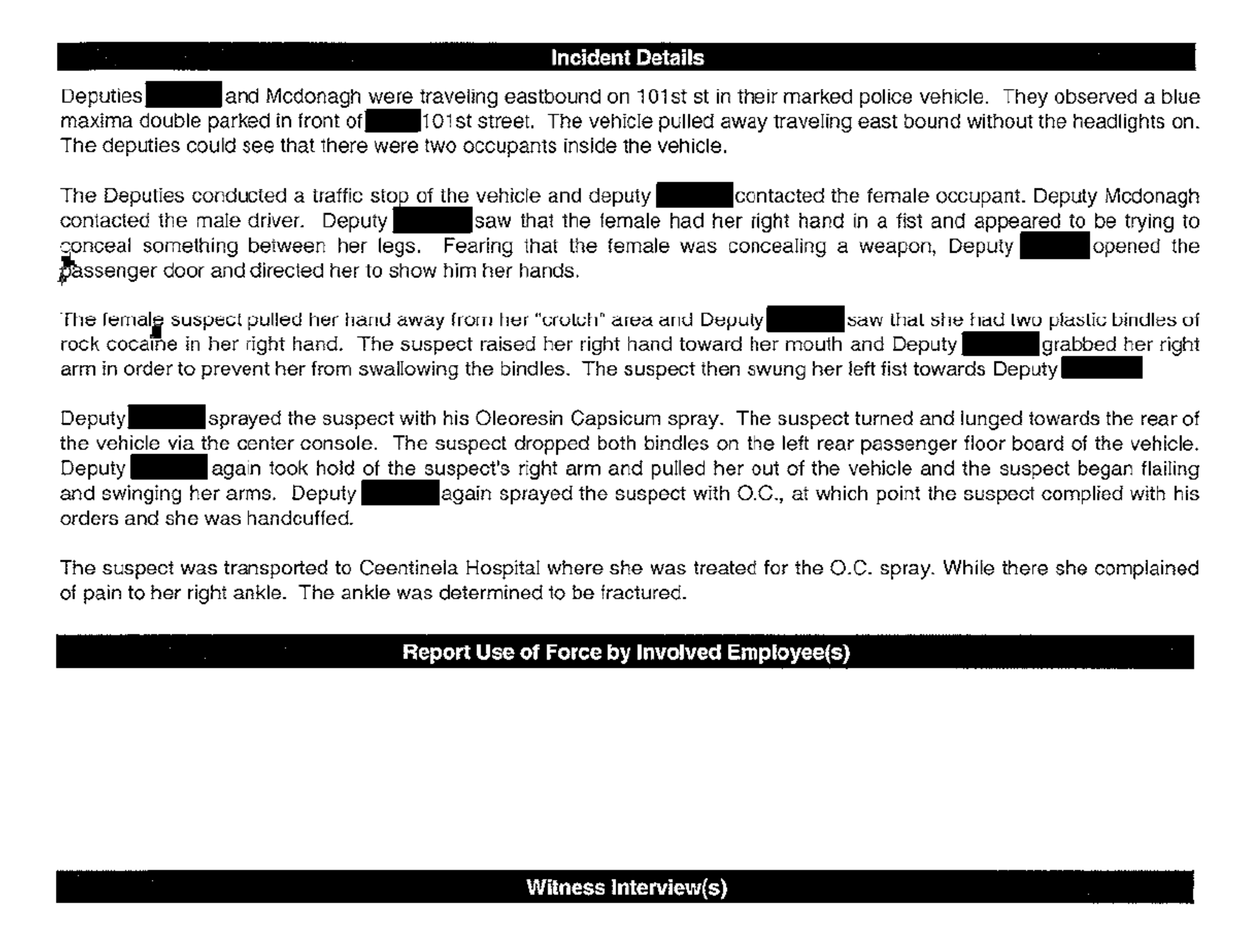
Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
S/Scott	S#1	Deputy [redacted]	E#1	PH,RS	NN	NN
Deputy [redacted]	E#1	S/Scott	S#1	OC,CT	CP,FR	AK



Force Applied

Incident Details

Deputies [redacted] and Mcdonagh were traveling eastbound on 101st st in their marked police vehicle. They observed a blue maxima double parked in front of [redacted] 101st street. The vehicle pulled away traveling east bound without the headlights on. The deputies could see that there were two occupants inside the vehicle.

The Deputies conducted a traffic stop of the vehicle and deputy [redacted] contacted the female occupant. Deputy Mcdonagh contacted the male driver. Deputy [redacted] saw that the female had her right hand in a fist and appeared to be trying to conceal something between her legs. Fearing that the female was concealing a weapon, Deputy [redacted] opened the passenger door and directed her to show him her hands.

The female suspect pulled her hand away from her "crotch" area and Deputy [redacted] saw that she had two plastic bindles of rock cocaine in her right hand. The suspect raised her right hand toward her mouth and Deputy [redacted] grabbed her right arm in order to prevent her from swallowing the bindles. The suspect then swung her left fist towards Deputy [redacted]

Deputy [redacted] sprayed the suspect with his Oleoresin Capsicum spray. The suspect turned and lunged towards the rear of the vehicle via the center console. The suspect dropped both bindles on the left rear passenger floor board of the vehicle. Deputy [redacted] again took hold of the suspect's right arm and pulled her out of the vehicle and the suspect began flailing and swinging her arms. Deputy [redacted] again sprayed the suspect with O.C., at which point the suspect complied with his orders and she was handcuffed.

The suspect was transported to Ceentinela Hospital where she was treated for the O.C. spray. While there she complained of pain to her right ankle. The ankle was determined to be fractured.

Report Use of Force by Involved Employee(s)

Witness Interview(s)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Lennox Station
DATE: July 15, 2008
TIME: 2340 hours
LOCATION: [redacted] W. 101st Street, Los Angeles
URN#: 408-06370-03720-181
IAB#: FO2221873

NATURE OF INCIDENT:

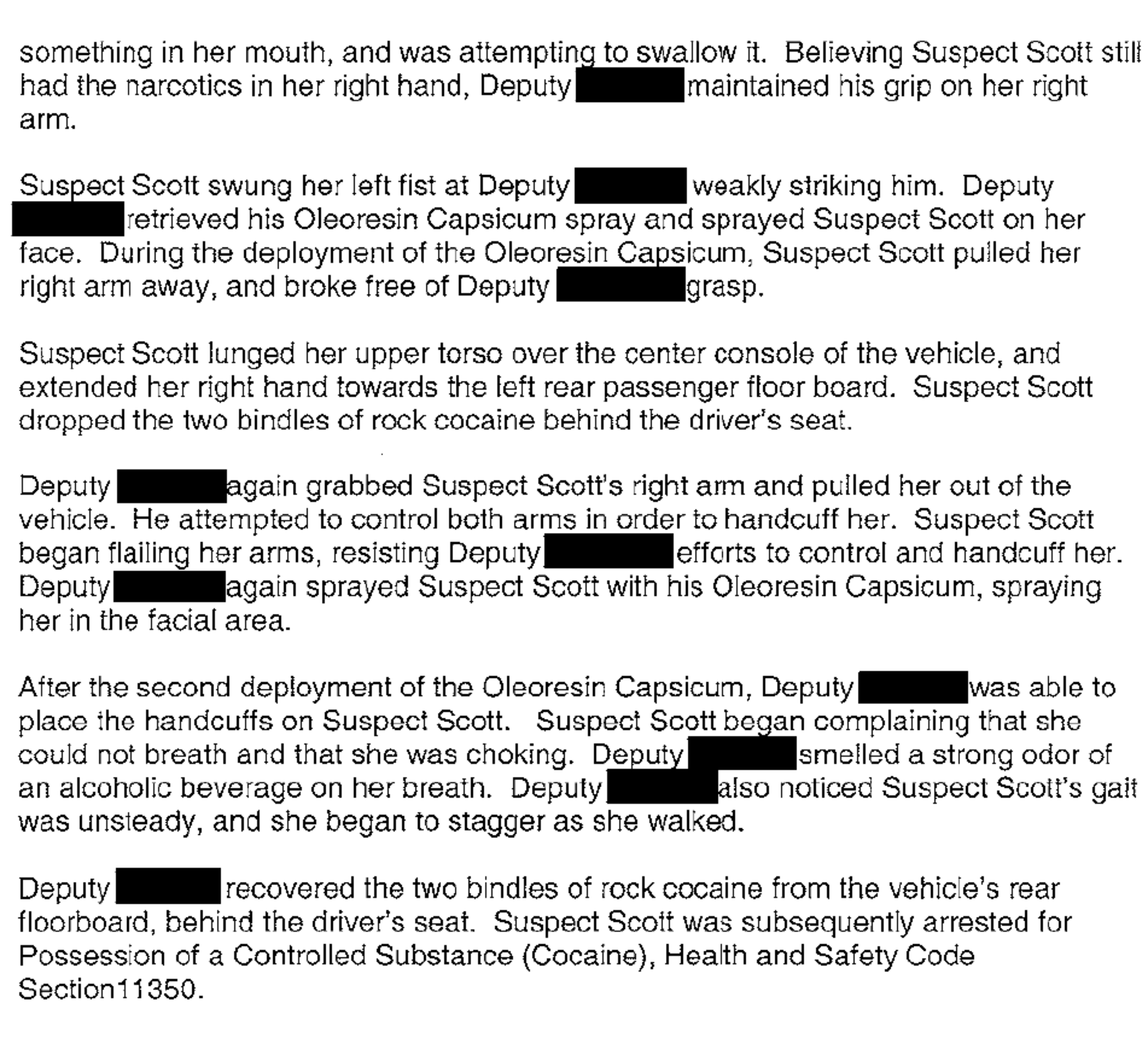
On Sunday, June 15, 2008, at approximately 2340 hours, Deputy [redacted] and Deputy Eric McDonagh were working unit 31, out of the Lennox Station. They were in a marked patrol vehicle, traveling eastbound on 101st street, Los Angeles.

Their attention was drawn to a blue Nissan Maxima, which was doubled parked in the middle of the street. As the deputies drove closer, the vehicle began traveling eastbound, without the headlights on. The deputies activated their vehicle's red light, and conducted a traffic stop of the vehicle. The deputies could see the vehicle contained two occupants, later identified as Witness [redacted] (driver) and Suspect Marylin Scott (passenger).

Deputy McDonagh approached the vehicle on the driver's side, and Deputy [redacted] approached the passenger side. As Deputy McDonagh contacted Witness [redacted] Deputy [redacted] saw Suspect Scott placing her right hand between her legs. It appeared Suspect Scott was attempting to conceal something, and was unaware of Deputy [redacted] presence.

Fearing that Suspect Scott was concealing a weapon, Deputy [redacted] quickly opened the passenger door, and directed her to show him her hands. Suspect Scott complied, and pulled her hand from between her legs. Deputy [redacted] saw what appeared to be two plastic bindles of rock cocaine in Suspect Scott's right hand.

Suspect Scott raised her right hand and placed it near her mouth. Deputy [redacted] grabbed Suspect Scott's right arm in an effort to prevent her from putting the narcotics in her mouth. She then began making a chewing motion as if she had placed



something in her mouth, and was attempting to swallow it. Believing Suspect Scott still had the narcotics in her right hand, Deputy [redacted] maintained his grip on her right arm.

Suspect Scott swung her left fist at Deputy [redacted] weakly striking him. Deputy [redacted] retrieved his Oleoresin Capsicum spray and sprayed Suspect Scott on her face. During the deployment of the Oleoresin Capsicum, Suspect Scott pulled her right arm away, and broke free of Deputy [redacted] grasp.

Suspect Scott lunged her upper torso over the center console of the vehicle, and extended her right hand towards the left rear passenger floor board. Suspect Scott dropped the two bindles of rock cocaine behind the driver's seat.

Deputy [redacted] again grabbed Suspect Scott's right arm and pulled her out of the vehicle. He attempted to control both arms in order to handcuff her. Suspect Scott began flailing her arms, resisting Deputy [redacted] efforts to control and handcuff her. Deputy [redacted] again sprayed Suspect Scott with his Oleoresin Capsicum, spraying her in the facial area.

After the second deployment of the Oleoresin Capsicum, Deputy [redacted] was able to place the handcuffs on Suspect Scott. Suspect Scott began complaining that she could not breath and that she was choking. Deputy [redacted] smelled a strong odor of an alcoholic beverage on her breath. Deputy [redacted] also noticed Suspect Scott's gait was unsteady, and she began to stagger as she walked.

Deputy [redacted] recovered the two bindles of rock cocaine from the vehicle's rear floorboard, behind the driver's seat. Suspect Scott was subsequently arrested for Possession of a Controlled Substance (Cocaine), Health and Safety Code Section11350.

Suspect Scott was transported to Centinela Hospital, in Inglewood, in order to be treated for the Oleoresin Capsicum. While being treated by the medical staff, Suspect Scott complained of pain to her right ankle. Upon examining her right ankle, the medical staff determined it was fractured.

Internal Affairs Bureau Lieutenant Don Slawson was notified and Sergeants Carlos Flores and David Bly responded to Lennox Station to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

INVOLVED PERSONNEL:

[redacted]- Deputy Sheriff, Employee #[redacted]
Lennox Station
Patrol, Field Operations Region II

Date of Employment:	02-04-1999
Date Assigned to Unit:	[redacted]
Prior Founded Force Incidents:	Received three days discipline for failure to report force he witnessed on 01-10-08.

INVOLVED SUSPECT (S):

Scott, Marylin Denise

sex:	Female
Race:	Black
Date of Birth:	November 5, 1962
Booking #	1511785
Charge:	11350(A) H.S.
Injury:	Fracture to Right Ankle. Complaint of pain.

The Consolidated Criminal History System reveals Suspect Scott [redacted]

IAB Note: A copy of Suspect Scott's criminal history is included in this report. See Exhibit C.

INVOLVED DEPUTY WITNESSES:

McDonagh, Eric - Deputy Sheriff, Employee #[redacted]

NON-DEPARTMENT WITNESSES:

1. [redacted] **MB/39, D.O.B.** [redacted]

2. [redacted] **FB/62, D.O.B.** [redacted]

INVOLVED EMPLOYEE STATEMENTS:

Deputy [redacted] **#**[redacted] was interviewed on July 2, 2008 at 0930 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Jack Ramirez. The interview was conducted at the Internal Affairs Bureau. Deputy [redacted] was represented by Attorney Derold Brenneman. The interview was recorded for review. Deputy [redacted] statement and description of the incident, during his interview, was essentially the same he provided on his incident report.

Deputy [redacted] said he and his partner, Deputy McDonagh, conducted a traffic stop of the suspect vehicle, for traffic violations. He said he quickly approached the vehicle on the passenger side, and saw Suspect Scott sitting on the front passenger seat. He said Suspect Scott had her hands between her legs, and appeared to be attempting to conceal something. Deputy [redacted] said Suspect Scott was looking to her left, apparently unaware of his presence.

Deputy [redacted] said he feared Suspect Scott was in possession of a weapon. He said he opened the passenger door and ordered Suspect Scott to show him her hands. Deputy [redacted] said Suspect Scott immediately removed her hands from between her legs, and he could see two bindles of rock cocaine in her right hand. He said Suspect Scott raised her right hand towards her mouth and began making a chewing motion.

Deputy [redacted] said he quickly grabbed Suspect Scott's right arm, in order to prevent her from placing the narcotics in her mouth and swallowing them. He said Suspect Scott began swinging her left hand, weakly striking him on the face. He said he deployed his Oleoresin Capsicum and sprayed Suspect Scott in the face.

Deputy [redacted] said Suspect Scott broke free from his grasp and lunged her upper body between the center console of the vehicle. He said he saw Suspect Scott reach behind the driver's seat and drop the narcotics on the floor board. Deputy [redacted] said he again took hold of Suspect Scott's right arm and pulled her out of the vehicle. He said she began to flail her arms and resist his efforts to control and handcuff her.

Deputy [redacted] said he again sprayed Suspect Scott's face, with his Oleoresin Capsicum. He said he was then able to handcuff one of her hands, but she continued to flail the free hand. Deputy [redacted] said Suspect Scott began to complain that she was choking, due to the Oleoresin Capsicum. Deputy [redacted] said he escorted Suspect Scott to the curb and directed her to sit down. He said Suspect Scott was staggering as she walked, and was obviously intoxicated.

Deputy [redacted] said Suspect Scott complied with his orders, and sat down on the curb. He said he was then able to handcuff her free hand. He said he then called for the field sergeant to respond, and also for paramedics. Deputy [redacted] estimated the time between stopping the suspect vehicle, and taking Suspect Scott into custody, to be

approximately one minute.

Deputy [redacted] said he never grabbed Suspect Scott by the throat, nor did he ever take her down to the ground. Deputy [redacted] said he never felt that the situation was ever out of his control. He said he never felt the need to call for backup or assistance. Deputy [redacted] said he has no idea how Suspect Scott fractured her ankle. He said Suspect Scott was not walking with a limp after the incident, nor did she complain of pain to her ankle, while at the scene.

Refer to Deputy [redacted] interview transcript for further details.

IAB Note: Refer to Exhibit A, for a copy of Deputy [redacted] Incident Report, documenting his actions, observations and use of force. File # 408-06370-0372-181.

SUSPECT'S STATEMENTS:

Suspect Scott was interviewed on June 16, 2008, at 0016 hours, by Lennox Station Sergeant Steven Marella #[redacted] The interview was conducted at the Centinela Hospital, located at 555 E. Hardy Street, Inglewood. The interview was video recorded.

Suspect Scott said she and Witness [redacted] drove to the area (scene of incident) in order to buy narcotics. She exited the vehicle and purchased two bindles of rock cocaine. She then returned to the vehicle and got into the front passenger seat. Suspect Scott said Witness [redacted] began driving the vehicle eastbound on 101st Street.

Suspect Scott said they became aware of the deputy's vehicle behind them, when they saw the patrol unit's lights on. Prior to pulling his vehicle over, Witness [redacted] told Suspect Scott to pretend to swallow the narcotics, so that the deputies would let them go.

Suspect Scott said Witness [redacted] stopped his vehicle, and two deputies approached. One deputy contacted Witness [redacted] (Deputy McDonagh) and the other contacted her (Deputy [redacted]. As the deputy approached her side of the vehicle, she raised her hand toward her mouth, and pretended to put the rock cocaine In her mouth. She said the deputy immediately grabbed her by the throat and "pepper sprayed" (Oleoresin Capsicum) her at the same time.

Suspect Scott said the deputy pulled her out of the car, while still grabbing her throat and choking her. She said the deputy threw her down on the ground and began telling her to spit out the narcotics. Suspect Scott said the deputy again sprayed her with the "pepper spray." She said she told the deputy the narcotics were not in her mouth but

were underneath the driver's seat of the vehicle. Suspect Scott said she landed on her right side when the deputy took her down.

Suspect Scott said the deputy handcuffed her and went to search the vehicle. She said she saw he found the rock cocaine she had just purchased.

Suspect Scott said the deputy never struck her. She said she provoked the deputy's actions by pretending to swallow the narcotics, and he was just doing his job. Suspect Scott admitted to drinking Cognac and Tequila, prior to her contact with the deputies. She said she drank approximately two and a half drinks, but was not intoxicated.

Suspect Scott complained of pain to her eyes and face, due to the Oleoresin Capsicum. She also complained of pain to her right hip. Sergeant Marella video recorded Suspect Scott's neck and throat area. He also video recorded her right hip, arms and legs. There were no obvious signs of injury. Suspect Scott said she has no history of mental illness.

> **IAB Note:** During her interview, Suspect Scott did not mention any pain to her right ankle. After the interview was concluded, she complained of pain to the ankle. The ankle was subsequently examined and determined to be fractured. Suspect Scott was treated and given the "Okay to Book." See Exhibit E.

Suspect Scott was interviewed on June 16, 2008, at 0915 hours, by Internal Affairs Sergeants Carlos Flores and David Bly. The interview was conducted at the Lennox Station Jail, and was audio recorded.

Suspect Scott stated essentially the same that she told Sergeant Marella. However, there were some differences between the two interviews. Suspect Scott said the deputies pulled her and Witness [redacted] over. She said two deputies approached the vehicle, one on the driver's side and one on the passenger side. She said she kept her hands on her lap and the deputy began shouting for her to spit out the narcotics.

She said the deputy grabbed her by the throat and "pepper sprayed" her, while she was still sitting in the car. She said she did nothing to provoke the deputy's actions. She said she told the deputy the narcotics were underneath the seat, however he continued choking her, telling her to "spit it out."

Suspect Scott said the deputy then pulled her out of the vehicle, and threw her down on the ground. She said the deputy handcuffed her, returned to the vehicle, and found the narcotics. She said the deputy placed the handcuffs on too tight, causing pain to her left wrist. Suspect Scott said the deputy never struck her.

Suspect Scott said she began feeling pain to her right ankle while en route to the

hospital. She said she subsequently told the medical staff, at the hospital, about the pain. The attending physician examined her and advised her that her ankle was fractured. Suspect Scott said she does not remember feeling any pain to her ankle while at the scene of the incident. She said she does not know when the ankle was fractured.

IAB Note: During her interview with Internal Affairs investigators, Suspect Scott was verbally hostile and belligerent. She repeatedly stated the deputy broke her ankle, but was unable to state exactly how it had occurred.

Suspect Scott complained of pain to her right wrist, knees and her right hip. Internal Affairs investigators did not observe any obvious signs of injury to Suspect Scott's neck, wrist or knees. There were no abrasions to her knees or arms.

IAB Note: Copies of Suspect Scott's medical treatment record and Medical Records Release Form are included in this report. See Exhibit E. Photographs of Suspect Scott's injuries are also included, see Exhibit F.

DEPARTMENT WITNESS STATEMENTS:

Eric McDonagh, Deputy Sheriff #[redacted]

Deputy McDonagh has been a deputy sheriff [redacted] He was interviewed by Internal Affairs Sergeants Carlos Flores and Ben Garcia on June 26, 2008 at 1000 hours. Deputy McDonagh was represented by Attorney Derald Brenneman. The interview was conducted at the Internal Affairs Bureau and was audio recorded.

Deputy McDonagh said on the indicated date and time, he and Deputy [redacted] were working unit [redacted] They observed a blue Nissan Maxima, double parked in front of a residence known for narcotics activity. Deputy McDonagh said he observed Suspect Scott enter the vehicle on the passenger side. The vehicle then started traveling eastbound on 101st Street, without the headlights on.

Deputy McDonagh said he initiated a traffic stop of the suspect's vehicle, and he and Deputy [redacted] approached it. Deputy McDonagh said he contacted the driver, later identified as Mr. [redacted] (Witness [redacted]. He said Deputy [redacted] approached the vehicle's passenger side and contacted Suspect Scott. Deputy McDonagh said he saw that Suspect Scott had her hands between her legs. He heard Deputy [redacted] tell Suspect Scott to show him her hands.

Deputy McDonagh said Deputy [redacted] attempted to grab Suspect Scott's hand, at



which point she started swinging her arms. He said it appeared as though Suspect Scott was attempting to strike Deputy [redacted] Deputy McDonagh said he believes Suspect Scott struck Deputy [redacted] several times, on both his arms.

Deputy McDonagh said Deputy [redacted] sprayed Suspect Scott with his Oleoresin Capsicum. He said Suspect Scott turned her body to the left and lunged her upper body through the vehicle's center console. She then stretched her arms, reaching towards the back seat floor board. He said he could not see what she was doing with her hands.

Deputy McDonagh said he saw Deputy [redacted] take hold of Suspect Scott's right arm and pull her out of vehicle. Deputy McDonagh said he heard Deputy [redacted] tell Suspect Scott that he was going to spray her again. He said he was not certain what was occurring between Deputy [redacted] and Suspect Scott, because he (Deputy McDonagh) was focusing on the driver, Witness [redacted] Deputy McDonagh said Deputy [redacted] was eventually able to control Suspect Scott and handcuff her.

Deputy McDonagh said throughout the incident, his focus was primarily on the driver, Witness [redacted] He said though Witness [redacted] was cooperative, he (Deputy McDonagh) feared that he would become hostile. Deputy McDonagh said he did not believe Deputy [redacted] needed his assistance at any time.

Deputy McDonagh said at the conclusion of the incident, Suspect Scott did not appear injured. He said he did not notice her limp when she walked, nor did she complain of any pain to her ankle. Deputy McDonagh said Suspect Scott's only complaint was regarding the Oleoresin Capsicum in her eyes.

Deputy McDonagh said he was not aware Suspect Scott had sustained a fractured ankle until after she was transported to the station jail, from the hospital. He said he did not witness anything during the incident that could possibly have caused Suspect Scott's injury. Deputy McDonagh said Suspect Scott was intoxicated (alcoholic beverages) when they contacted her.

Deputy McDonagh said he did not see Deputy [redacted] grab Suspect Scott's throat. He said he did not see him take her down to the ground after pulling her out of the vehicle. Deputy McDonagh said he never heard Deputy [redacted] say, "spit it out." Deputy McDonagh said he estimated the time between stopping the vehicle and taking suspect Scott into custody; to be approximately two minutes.

Refer to Deputy McDonagh's interview transcript for further details.

> **IAB Note:** Refer to Exhibit B, for a copy of Deputy McDonagh's Supplemental Report, documenting his actions and observations under File # 408-06370-0372-181.

NON-DEPARTMENT WITNESS STATEMENTS:

[redacted]

Witness [redacted] is a thirty nine year old male. He resides at [redacted] Witness [redacted] was interviewed by Lennox Sergeant Steven Marella #[redacted] on June 15, 2008, at 2347 hours.

Witness [redacted] said he drove to the location in order to pick up Suspect Scott, and give her a ride home. He said Suspect Scott had called him, via telephone, and asked him if he could give her a ride, because she was not feeling well. He said shortly after she got into his vehicle, he saw the patrol vehicle behind him, with the rotator lights on.

Witness [redacted] said he pulled his vehicle over, and he was contacted by one of the deputies. He said while he spoke to the deputy, he heard what sounded like a struggle between Suspect Scott and the other deputy.

Witness [redacted] said he heard Suspect Scott "choking," and the deputy telling her to get out of the vehicle. Witness [redacted] said he saw Suspect Scott exit his car, but saw nothing more after that.

Witness [redacted] said he did not see the deputy strike Suspect Scott, nor did he see the deputy spray her with Oleoresin Capsicum. He said he became aware that "pepper spray" had been used, only after he smelled it.

Witness [redacted] said he did not witness what occurred between Suspect Scott and Deputy [redacted] He said he was preoccupied, talking with the deputy that approached him on the driver's side of his vehicle. Witness [redacted] said he did not witness any force used by the deputies.

Witness [redacted] said he has known Suspect Scott for twelve or thirteen years. He said he does not know if she uses narcotics. He said Suspect Scott told him she had been drinking alcoholic beverages prior to him picking her up. Witness [redacted] said he believes Suspect Scott suffers from mental illness.

> **IAB Note:** Video recording of Witness [redacted] interview is included in this report. During his interview, Witness [redacted] appears nervous. He is elusive and his answers are vague. See Exhibit D.

[redacted]

Witness [redacted] is a sixty two year old female who resides at [redacted] She was interviewed by Internal Affairs Bureau Sergeants Carlos Flores and David Bly on June 16, 2008, at 1030 hours. The interview was conducted at Witness

[redacted] home, and was audio recorded.

Witness [redacted] said she was standing in her front doorway, waiting for her [redacted] to return home. She said she saw a deputy's patrol vehicle conduct a traffic stop, just east of her home.

Witness [redacted] said she saw when the suspect's vehicle came to a stop and two deputies approached the vehicle. She said one deputy approached the driver's side and the other approached the passenger side. Witness [redacted] said her telephone rang and she walked away from her front door in order to answer it. She said she returned to her doorway approximately ten seconds later.

Witness [redacted] said when she returned to her doorway, she saw the female (Suspect Scott) was already out of the vehicle. She said Suspect Scott was handcuffed and standing in front of the patrol vehicle. Witness [redacted] said she did not witness when Suspect Scott actually exited the vehicle.

Witness [redacted] said additional sheriff's deputies arrived, along with paramedics. She saw the paramedics treating Suspect Scott, but she was unable to clearly see why she was being treated. Witness [redacted] said she did not see Suspect Scott limp as she walked, nor did she her exhibit any hostility towards the deputies.

Witness [redacted] said she did not witness any force used by the deputies. She said they appeared to be conducting "business as usual." Witness [redacted] said she could not hear what the parties involved were saying. She said she only heard one deputy say "get out of the car," shortly after the traffic stop had been conducted.

Witness [redacted] said she was standing approximately fifty feet away from where the deputies conducted their stop. She admitted that she has difficulty seeing without her glasses, and she did not have her glasses on during the incident.

IAB Note: Internal Affairs Bureau Sergeants Carlos Flores and David Bly, canvassed the neighborhood for additional witnesses. Several residents were contacted. However, Witness [redacted] was the only witness found.

SUSPECT'S INJURIES:

Suspect Scott was transported to Centinela Hospital, located at 555 E. Hardy Street, Inglewood. She was treated by Doctor Latoya Maynard.

Suspect Scott complained of pain to her left wrist, right hip, both knees and eyes. While being treated at the hospital, Suspect Scott complained of pain to her right ankle. The ankle was examined and determined to be fractured. Suspect Scott was

treated for her injuries and given the "Okay to Book." She was subsequently transported to Lennox station where she was booked and temporarily housed.

IAB Note: Copies of Suspect Ruiz' medical treatment record and Medical Records Release Form are included in this report, see Exhibit E. Photographs of Suspect Ruiz' injuries are also included, see Exhibit F.

DEPUTY PERSONNEL:

No injuries.

PHYSICAL EVIDENCE:

No physical evidence was collected at the scene.

INVESTIGATORS OBSERVATIONS:

Internal Affairs Bureau Sergeants Flores and Bly responded to the scene several hours after the incident. The scene is a residential neighborhood. Digital photographs of the scene were taken on June 16, 2008. The neighborhood was canvassed for witnesses. See Exhibit G.

WEAPONS USED BY DEPUTY PERSONNEL:

Oleoresin Capsicum Spray, Control Holds.

WEAPONS USED BY SUSPECTS:

Personal weapons, hands.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Bernadette Gambino #[redacted] Narcotics Bureau, Lennox Station
Court: Inglewood Court
Charges Filed: 11350(A) H.S. Court Case #YA072067

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred on a clear night at 2340 hours.